

# LEAGUE ENDORSES RELIGIOUS FREEDOM AMENDMENT

On July 23, Catholic League president William Donohue testified before the Subcommittee on the Constitution of the House Committee on the Judiciary on a proposed amendment to the U.S. Constitution. The Religious Freedom Amendment, which was first sponsored by Rep. Ernest Istook and then revised twice, once by Rep. Henry Hyde and again by Rep. Dick Armey, reads as follows: "In order to secure the right of the people to acknowledge and serve God according to the dictates of conscience, neither the United States nor any State shall deny any person equal access to a benefit, or otherwise discriminate against any person, on account of religious belief, expression or exercise. This amendment does not authorize government to coerce or inhibit religious belief, expression or exercise."

William Donohue explained why the Catholic League is backing the amendment:

"The central reason why the Catholic League is endorsing the Religious Freedom Amendment is quite simple: we believe that in the past few decades a number of court decisions and administrative orders have been passed that are inimical to religious freedom, the result of which has been a diminution of First Amendment guarantees. We do not seek to amend the First Amendment, rather we seek to restore the status quo ante, that is the condition that was outlined by the Framers of the Constitution and was found acceptable by the courts for most of our nation's history. In short, we want our rights back.

"There is nothing in the amendment that would coerce anyone from observing any religion, and that is how it should be. What we are looking for is not special treatment but an end

to the two-class system we have at the moment where secular expression is given preferential treatment over religious expression.”

Donohue submitted a 17 page testimony to the Subcommittee on the Constitution (which was then placed on the Internet). In his oral presentation, he offered several examples of governmental bias against religious expression and was questioned by several members of Henry Hyde’s subcommittee.

Donohue focused on a variety of issues, ranging from the Pentagon to local schools. Though the hearings were dubbed by many in the media as a way to bring prayer back into the schools, Donohue’s testimony was not directed at that issue. Instead, he discussed concrete cases where government has encroached upon religion and where religious speech was treated as second-class speech as compared to secular expression.

It was Donohue’s position that even if the amendment failed, the very fact that the hearings were held sent an important signal to those in Washington.

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## **PENTAGON GAGS SPEECH OF CATHOLICS**

In an unusual move, the Pentagon sought to muzzle the free speech of Roman Catholics. The issue was whether Catholics in the Air Force, Army and Navy could participate in an appeal by the National Conference of Catholic Bishops (NCCB) to protest President Clinton’s veto of the bill banning partial-birth abortions. The NCCB asked Catholics to send postcards to their representatives and senators urging them to override President

Clinton's veto of the bill.

Rev. Msgr. Aloysius R. Callahan, Chancellor of the Archdiocese for the Military Services, wrote to Catholic priests in the military asking them to urge lay Catholics to participate in the protest. On June 7, all senior chaplains were notified that they were barred from doing what the NCCB requested.

The Catholic League registered its complaint as follows:

“It is outrageous that the Pentagon would try to silence the free speech rights of Catholics in the military. It is one thing to say that those in the military should avoid working in an election campaign for Republicans or Democrats, quite another to say that enlisted men and women have no right to send a postcard to their Congressmen and Senators protesting a piece of legislation. And we are not talking about a matter of national security, something the Pentagon might legitimately seek to control. But we are talking about life and death.”

The league asked President Clinton to raise his objections to the Pentagon edict.

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## **GREELEY AND MARTIN: STRANGE BEDFELLOWS**

Andrew Greeley, the priest and sociologist turned novelist, and Malachi Martin, the ex-Jesuit and non-fiction writer turned novelist, have both written angry books that assail the Catholic Church. Greeley is angry that the Church hasn't adopted as many reforms as he would like and Martin is angry that the Church has adopted too many reforms. Both are stuck

on Vatican II: Greeley wants more changes and Martin says we've had too many. And both blame the other side for the current condition.

Who will succeed Pope John Paul II? Greeley's *White Smoke* and Martin's *Windswept House* describe the struggle for power that takes place once the end of the Pontiff's reign is imminent. Greeley's bad guys are the Corpus Christi Institute, a far right-wing group that is determined to stop the reformist favorite, Cardinal Menendez y Garcia. Martin's bad guys are a collection of new world order schemers working in tandem with the progressives in the Church. Both authors conclude that the left gets its way in the end.

For Greeley, the Church is comprised of women-hating, elitist bureaucrats bent on secrecy. Father Greeley introduces us to financial scandals in the Vatican, deranged anti-abortionists, a Church that ignores the laity and an authoritarianism that would make the Pentagon blush. Here's where we stand at the moment: "The Church is not united. There is more division than ever. The clergy are restless, the people are dissatisfied, there are sex scandals in every country, the pope has become a figurehead as far as the priests and the people are concerned—not only on sex but on everything else...."

For Martin, things are even worse. During the papacy of John Paul II, "the Roman Catholic organization carried a permanent presence of clerics who worshipped Satan and liked it; of bishops and priests who sodomized boys and each other; of nuns who performed the 'Black Rites' of Wicca, and who lived in lesbian relationships within as well as outside of convent life." Moreover, as Martin explains, "acts of heresy and blasphemy...were committed and permitted at holy Altars by men who had been called to be priests. Sacrilegious actions and rites were not only performed at Christ's Altar, but had the connivance or at least the tacit permission of certain Cardinals, archbishops and bishops."

Now lest someone think that these are simply novels, think again. Both Greeley and Martin have told Peter Steinfelds of the *New York Times* that their description of the Catholic Church is positively true. It is no wonder that Steinfelds chided Greeley for his one-sided portrait and that he charged Martin with fanning the flames of anti-Catholicism. He's right on both counts.

That the Catholic Church has its problems is nothing new, but that it has problems on the scale that Greeley and Martin describe is pure hype. Perhaps it's because I have a visceral aversion to devil's theories that I find both books implausible, or perhaps it's because my experiences with the Church allow for a different interpretation. In any event, the stereotypes that both men project tell us much more about their own mind-set than the current status of the Catholic Church.

Both novelists are fascinated with the degree of dissent in the Catholic Church, and both do their level best to convince the reader of just how serious the matter is. Yet when the Catholic League commissioned a survey of American Catholics last year, we found that 83 percent of those who expressed a desire for changes said that they would be as committed, if not more committed, to the Church if **no** changes were made. What the people are saying is that despite certain reservations with some Church teachings, their passion for change is not intense. Put differently, most Catholics do not share the discontent that afflicts Greeley and Martin.

It is striking that this Pope is perhaps the most beloved human on earth, not simply among Catholics, but among non-Catholics as well. Yet Greeley and Martin find in Pope John Paul II the most detestable, if wholly contrary, attributes. Greeley hammers the Pope for standing in the way of reform and Martin blasts him for allowing too many to occur with impunity. While a legitimate case can be made for both positions, what is really detestable is the way both authors

mix truths, half-truths and outright falsehoods together, the result of which is a rather sick soup.

I have no idea who the next Pope will be, but I doubt that whoever he is that Greeley or Martin will be satisfied. There isn't an accelerator fast enough for Greeley to push and there aren't brakes strong enough for Martin to pump. Rank-and-file Catholics, however, are mature enough to handle whoever the new Pope may be, and that will leave the malcontents sitting on the sidelines once again.

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## **CATHOLIC LEAGUE TESTIMONY BEFORE CONGRESS**

The Catholic League for Religious and Civil Rights, the nation's largest Catholic civil rights organization, enthusiastically endorses the Religious Freedom Amendment as proposed by Congressman Henry Hyde and modified by Congressman Dick Armey.

The First Amendment was written, in part, to secure religious liberty by keeping religion free from governmental intrusion. James Madison, who authored the First Amendment, made it quite clear what he meant when he wrote the so-called establishment clause. He meant to forbid the establishment of a national church and to forbid governmental preference of one religion over another. The idea that this clause would be used to insulate religion from government would have struck Madison, and the other Framers, as bizarre and downright disrespectful of their original intent. Regrettably, the work of the Framers has been so upended by recent judicial and executive decisions as to make moot their efforts.

In the 1984 Supreme Court decision, *Lynch v. Donnelly*, Chief Justice Warren Burger, writing for the majority, stated that the Constitution does not require "complete separation of church and state; it affirmatively mandates accommodation, not merely tolerance, of all religions, and forbids hostility toward any." Unfortunately, the record shows an increasing hostility for religious belief, expression and exercise, making necessary the remedy that Congressman Armey has proposed.

Whatever the sources of the current animus against religion, there can be little doubt that state encroachment on religion is a reality and that religious speech is often assigned a second-class status. The examples that follow are offered as evidence of the need for a Religious Freedom Amendment.

The encroachment of government on religion has infused many public policy measures. It has been well-documented that religious organizations have managed to service the needy in ways that are both effective and cost efficient. Yet when the federal government entertains day care bills, as it did in 1988, it does so with the proviso that religious institutions that participate in such programs must first sanitize their quarters of religious symbols and halt all religious instruction and worship. In New York the authorities even went so far as to say that religious preference was illegal in religious-based foster care centers and that Catholic schoolchildren were barred from making the sign of the cross before meals. It would be more honest for legislators to simply say that the gutting of religious institutions is a precondition for largesse.

Even more incredible was the attempt by the City of New York to force the Archdiocese of New York to abide by an executive order (Executive Order 50) that mandated an affirmative action program for homosexuals for all institutions that receive municipal funds. The Archdiocese of New York, which was expecting to receive \$120 million to operate its child care

facilities, refused to accept this litmus test and thus did not receive the funding. Though the Archdiocese eventually prevailed in the courts, it did not do so before considerable damage had been done to the children in its care.

Indeed, the damage was even more extensive than that. At the time that the litigation was pending, the Archdiocese of New York had responded to an appeal by the mayor to open its churches to the homeless during a very bad winter. It did so without hesitation. But when the winter ended and the priests who serviced the homeless sought reimbursement for their outlays, the city refused to pay a dime, citing non-compliance with Executive Order 50.

Freedom of religious expression is challenged in many ways. I recently was asked by the *New York Daily News* to participate in an Op-Ed debate over the question of Cardinal O'Connor's criticisms of partial-birth abortions. The issue was not whether His Eminence was right on the subject, but whether he had the right to even address the issue.

That's how far we've gone: Catholic priests now have to explain why they should have the same First Amendment rights that others enjoy. And I know from talking to many priests, that this attempt to accord a second-class status to the free speech rights of priests has had the effect of stifling their expression, so scared are they of jeopardizing the tax exempt status of the Catholic Church. Their fears, of course, are not unfounded. In the late 1980s, the National Catholic Conference of Bishops and the United States Catholic Conference were sued by abortion advocates because they advocated a pro-life position. Though the plaintiffs were denied standing, the effect of this action was to create a chilling effect on the free speech rights of the Catholic clergy.

Perhaps one of the most disturbing problems that the Catholic League faces is the extent to which religious expression is denied by the same agents of government that allow for the



defamation of religion under the guise of freedom of expression. To be specific, despite court decisions to the contrary, the placement of religious symbols on public property continues to be problematic, while public funding of bigoted assaults on religion proceeds with alacrity. Yet if it is wrong to use public monies and facilities to promote religion, why is it not also wrong to use public monies and facilities to bash religion? This is a question that needs to be addressed and it is one reason why the Catholic League is looking for a remedy in Congressman Armey's bill.

To be specific, in the fall of 1993, a blasphemous ad for VH-1, an MTV outlet, was posted on the sides of buses in New York City. It pictured Madonna, the pop star, on one side, and Our Blessed Mother on the other, with the inscription, "The Difference Between You and Your Parents" placed squarely in the middle. Now I cannot imagine for a moment that an ad that simply featured Our Blessed Mother, complete with a reverential statement, would have passed muster with the guardians of church and state in New York.

Here's another example. In 1990, in the Capitol rotunda in Harrisburg, Pennsylvania, a Christmas tree was put on display, adorned with about 1,000 ornaments made by senior citizens. Three of the ornaments were made in the shape of a cross, and that was enough to send the ACLU into federal district court. Though the ACLU lost, the point to be made here is that if the senior citizens decided to immerse their crosses in a jar of their own urine—much the way the celebrated artist Andres Serrano did—perhaps the ACLU would have defended their action as freedom of expression (they might even have qualified for a federal grant from the National Endowment for the Arts).

We have also seen attempts to remove Catholic federal judges from cases dealing with abortion, and instances when Catholic jurors have been excluded from cases where a priest is the defendant. These examples of blatant anti-Catholic bigotry may not occur everyday, but to those who suffer such indignities,

it is a condition that needs to be seriously addressed.

If there were ever a place where religious expression is frequently challenged, it is in our nation's public schools. Not only are teachers afraid to even discuss religion in the classroom, principals and superintendents throughout the nation have engaged in religion-cleansing efforts to rid the schools of any religious element. Most of these school officials are good Americans who bear no animosity toward religion and who would be quite supportive of directives that allowed for equal treatment of religious expression. What motivates them to rid their schools of religious expression is not malice, but fear. Fear of a lawsuit.

I have spoken to too many school lawyers to know that even they are confused about the status of the law. So they do what lawyers naturally incline to do—they advise their clients to avoid any opportunity for a lawsuit. The result is that religious-free zones are the norm. Here are some examples of what I mean.

We have all heard of instances where the display of crèches are banned in the schools, as well as the singing of religious songs like "Silent Night." But how many know about the banning of "garlands, wreaths, evergreens, menorahs and caroling"? That is exactly what happened in Scarsdale, New York just a few years ago. In addition, the Scarsdale School Board revoked permission to sing secular songs like "Jingle Bells" and took the word "Christmas" off the spelling list in its schools. Candy canes were even confiscated by some teachers and even the color and shape of cookies became an issue: green and red sprinkles as well as bell and star shapes were all suspect. The same sanitization program was applied to Easter, to the point where even the term "Easter" was stricken from all school publications.

We know there is something terribly wrong when the play "Jesus Christ Superstar" is banned from public high schools. Would

they ban "Oh! Calcutta!" as well. Not for a minute: the argument would be made that frontal nudity and simulated sex was freedom of expression and if people didn't want to see it, they could absent themselves. That plays with a religious theme are not accorded the same treatment is testimony to the present state of affairs.

Children have been harassed by school officials for reading a bible on a school bus and teachers have been told to remove their bibles from the view of students in the classroom. Books like "The Bible in Pictures" and "The Story of Jesus" have been banned from school libraries, but we hear no outrage from the same civil libertarians who would protest the removal of child pornography from library shelves. Even more astounding have been the attempts by the ACLU to ban books from school libraries that promote abstinence. It does so on the grounds that abstinence is a religious perspective and is therefore unsuitable for dissemination in public schools.

Other examples are easy to come by. Public school teachers have refused to accept term papers on the life of Jesus, prayers are banned in a huddle before football games and the mere mention of God at a commencement exercise—by a student valedictorian—is regularly proscribed.

The Catholic League believes that if the Religious Freedom Amendment were passed by the Congress and ratified by the states that it would go a long way toward ensuring the rights that were originally guaranteed in the First Amendment. There is nothing in the amendment that would coerce anyone from observing any religion, and that is how it should be. What we are looking for is not special treatment but an end to the two-class system we have at the moment where secular expression is given preferential treatment over religious expression. That is why the Catholic League strongly urges this committee to vote in favor of Congressman Armey's amendment.

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# HUNCHBACK                      DRAWS                      VARIED RESPONSE

Disney's summer hopes were pinned on *The Hunchback of Notre Dame*, but more was at stake than box office receipts. *Entertainment Weekly* said that Disney is "still smarting from the controversy over Miramax's *Priest*" and that is why it "dodged a potential outcry from conservatives by changing Frolo from the cleric he was in Hugo's novel to a pious judge." Indeed, Disney studio chairman Joe Roth commented that "most of our nun and priest jokes are *not* in."

None of this is to say that *Hunchback* fails to offend. *Entertainment Weekly* remarked of the movie's "sensual undertones and scary scenes," one of which it labeled "hot and heavy." Then there is the "Hellfire" scene where Frolo "fantasizes about the curvaceous Gypsy Esmeralda belly dancing inside his fireplace. 'Hellfire, hellfire, there's a fire in my skin,' he moans. 'This burning desire is turning me to sin.'" It is no wonder *Entertainment Weekly* called the movie "the darkest, most adult animated film Disney has ever made."

*Our Sunday Visitor*, one of the nation's leading Catholic newspapers, was also leery of *Hunchback*. Its take on the "Hellfire" segment was that it "is a long prayer to the Blessed Mother, in which he[Frolo] thanks God that he is righteous, unlike the pagans and others. He then describes his lust for the gypsy girl Esmeralda and blames her for being so seductive and tempting him to 'sin.'" Not for nothing, then, does *Our Sunday Visitor* score *Hunchback* as "NC-not for Catholics."

What makes this so fascinating is that the *New York Times* not

only did not see any of the objections that *Entertainment Weekly* and *Our Sunday Visitor* spotted, it actually issued a flash warning to parents that the movie might be objectionable due to its Christian flavor. Along with the proverbial warnings regarding “Violence,” “Sex” and “Profanity,” the *New York Times* did something unprecedented and listed a “Footnote,” the contents of which were: “The movie is sprinkled with Christian images, and there are specific references to God.”

“Specific references to God”? You got it folks, not only does the *New York Times* not see what others see as offensive, it now finds it necessary to categorize “references to God” as equally dangerous to children as violence, sex and profanity.

Stay tuned and you’ll soon discover that the *Times* will endorse a “G” chip, one which would allow viewers to screen for movies that mention God. At least it’s nice to know that the moral relativists and tolerant types at the *Times* actually find some things objectionable, even if what tests their limits suggests an animus so incredible as to be objectionable itself.

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## **DONOHUE NAMED TO ADVISORY BOARD**

Catholic League president William Donohue has been named to the Advisory Board of The Child Protection Fund. Chaired by retired Admiral James D. Watkins, The Child Protection Fund is a “nondenominational, bipartisan” organization “devoted exclusively to overturning President Clinton’s veto of the Partial-Birth Abortion Ban.” Cardinal O’Connor and Cardinal

Law have said that they “enthusiastically support” the goal of the organization.

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## **CHURCH BURNINGS SUGGEST MORE THAN RACIAL PREJUDICE**

In June, there was a flurry of stories regarding the rash of church burnings that have taken place, the most recent of which targeted black churches. The Catholic League deplored the burnings but also took note of the fact that most of the media attention focused on the racial aspect of the fires, downplaying the religious dimension. A letter was sent to U.S. Department of Justice Secretary Janet Reno calling on her to investigate the extent to which the burnings carried an anti-Christian message.

According to the Bureau of Alcohol, Tobacco and Firearms (ATF), there have been 123 church fires occurring in 27 states from coast to coast over the past five years. More than two-thirds of the burnings occurred at white churches. Moreover, satanic markings have been found on some of the churches, leading investigators to explore the role of devil-worshipping cults.

The league issued the following statement to the press regarding this issue:

“The Catholic League is delighted that the House Judiciary Committee has approved the Church Arson Prevention Act, making it easier for federal prosecutors to punish those who damage religious property or obstruct another person’s free exercise of religious beliefs. We hope the Congress approves this legislation.

“Given the fact that the latest church burnings have decimated black churches, it is understandable that the media have focused on the racial dimension of these attacks. But it should also be noted that since most of the churches that have been burned in the past five years have been in white neighborhoods, the problem is deeper than racial animus: it suggests an attack on Christianity. The specter of satanic cults being involved in some of the arson attacks raises the likelihood that an assault on Christianity is a prime motivating factor behind the church burnings.

“The recent attacks on black churches may very well be the result of both racial prejudice and an hostility directed at the vibrancy of their Christian mission. To the extent that the latter is true, the Catholic League is calling on the U.S. Department of Justice to uncover the sources of anti-Christian prejudice, as well as the role of racial bigotry.

“The league also implores all Catholic leaders, clergy and laity alike, to do what they can to facilitate those who have been displaced as a result of the arson attacks.”

On July 5, Deval Patrick, the Assistant Attorney General of the Civil Rights Division of the U.S. Department of Justice, thanked the league for its letter and promised to do whatever was necessary to bring justice to bear.

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## **LEAGUE MEMBER SCORES VICTORY**

Catholic League member Mary Ann Kreitzer of Alexandria, Virginia showed the power of the pen when she successfully got Tri-Media Marketing Services to drop CHICK publications from their advertising list. CHICK, one of the most infamous world-wide publishers of anti-Catholic tracts, was allowed to market

its non-Catholic material in an advertising packet aimed at home schooling families.

Though Mary Ann Kreitzer's initial letter to Tri-Media failed to move the company, she followed through with another missive, this time letting Tri-Media know that she was contacting the Catholic League. Her second effort scored: Tri-Media president Neal Siegel wrote to CHICK publications informing him of his decision to exclude them from all future mailings.

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## **CLINTON SNUBS PRIESTS**

On June 14, 380 Irish-Americans gathered to dine with Mr. and Mrs. Clinton and with Irish President Mary Robinson; it was the largest state dinner of the Clinton presidency. But what was embarrassingly obvious was the absence of any priests, though at least one Presbyterian minister was present. Washington observers ascribed the snubbing of priests to the Catholic Church's opposition to Clinton veto of a ban on partial-birth abortions.

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## **SCHOOL CHOICE AN ELECTION ISSUE**

Catholic League members who would like to know what the candidates for the presidency, Congress and gubernatorial



races think about school choice should send \$1 to Citizens for Educational Freedom, 927 S. Walter Reed Dr., Suite One, Arlington, VA 22204, or call (703) 486-8311 for bulk orders. Patrick Reilly is the executive director of CEF and Rev. Peter Stravinskis is the chairman.